United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ADAPTIX, INC.,
 	
           Plaintiff,
 	
 v.
 	
 MOTOROLA MOBILITY LLC, *et al*,
 	
           Defendants.
	Case No. 5:13-cv-01774 PSG
	
	 CLAIM CONSTRUCTION ORDER
	
	 (Re: Docket No. 109)

ADAPTIX, INC.,
 	
           Plaintiff,
 	
 v.
 	
 APPLE INC, *et al,*
 	
           Defendants.
	Case No. 5:13-cv-01776 PSG
	
	 CLAIM CONSTRUCTION ORDER
	
	 (Re: Docket No. 144)

ADAPTIX, INC.,
 	
           Plaintiff,
 	
 v.
 	
 APPLE INC., *et al,*
 	
           Defendants.
	Case No. 5:13-cv-01777 PSG
	
	 CLAIM CONSTRUCTION ORDER
	
	 (Re: Docket No. 143)

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ADAPTIX, INC.,	Case No. 5:13-cv-01778 PSG
Plaintiff,	**CLAIM CONSTRUCTION ORDER**
v.	**(Re: Docket No. 150)**
AT&T MOBILITY LLC, *et al*,	
Defendants.	
ADAPTIX, INC.,	Case No. 5:13-cv-01844 PSG
Plaintiff,	**CLAIM CONSTRUCTION ORDER**
v.	**(Re: Docket No. 134)**
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, HTC CORPORATION, and HTC AMERICA, INC.,	
Defendants.	
ADAPTIX, INC.,	Case No. 5:13-cv-02023 PSG
Plaintiff,	**CLAIM CONSTRUCTION ORDER**
v.	**(Re: Docket No. 125)**
APPLE INC., et al,	
Defendants.	

In this patent infringement suit, Adaptix, Inc. alleges that Motorola Mobility, L.L.C, Apple, Inc., AT&T Mobility L.L.C, and Cellco Partnership *d/b/a* Verizon Wireless infringes U.S. Patent No. 6,947,748 and U.S. Patent No. 7,454,212. Yesterday and today, the court held a tutorial and claim construction hearing. The court's constructions are as follows:

CLAIM TERM	CONSTRUCTION
"Select[ing] a set of candidate subcarriers" *'748 Patent: Claims 6, 8, 19, 21* *'212 Patent: Claim 1, 18*	"Selecting" = "Choosing." All other terms: plain and ordinary meaning
"Subcarriers [of/from] the set of subcarriers selected by the [] base station"	"Subcarriers that the base station has chosen from the set of

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'748 Patent: Claims 6, 8, 19, 21 *'212 Patent: Claim 1, 18*	candidate subcarriers selected by the subscriber"
"SINR Value" *'748 Patent: Claim 1, 19*	"Calculation based on the Signal-to-Interference-plus-Noise Ratios of the cluster's subcarriers"
"Index indication of a candidate cluster with it(s) ((SINR) value)" *'748 Patent: Claims 6, 19*	"Identifier (ID) of a chosen candidate cluster of subcarriers with its SINR value."
"Arbitrarily order[ed/ing]" *'748 Patent: Claims 6, 19* *'212 Patent: Claims 13, 28*	"Order[ed/ing] in a manner not previously defined"
"A system employing orthogonal frequency division multiple access (OFDMA)" *'748 Patent: Claims 6, 8* *'212 Patent: Claim 1*	"OFDMA": orthogonal frequency division multiple access All other terms: plain and ordinary meaning
"Subcarrier allocation for OFDMA" *'748 Patent: Claim 11*	"OFDMA": orthogonal frequency division multiple access All other terms: plain and ordinary meaning
"OFDMA subcarriers" *'748 Patent: Claims 11, 19, 21* *'212 Patent: Claim 18*	"OFDMA": orthogonal frequency division multiple access; All other terms: plain and ordinary meaning
"intra-cell traffic load balancing" *'748 Patent: Claim 11*	"balancing cluster usage within a cell of a base station"

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The parties should rest assured that the court arrived at these constructions with a full appreciation of not only the relevant intrinsic and extrinsic evidence, but also the Federal Circuit's teachings in *Phillips v. AWH Corp.*[1] and its progeny. So that the parties may pursue whatever recourse they believe is necessary, a complete opinion will issue before entry of any judgment.

IT IS SO ORDERED.

Dated: December 19, 2013

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PAUL S. GREWAL
United States Magistrate Judge

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[1] 415 F.3d 1303, 1312-15 (Fed. Cir. 2005).

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